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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. 10-0974 LB
Plaintiff,)	
v.)	[PROPOSED]
APPROXIMATELY \$750,680.00 IN)	CONSENT JUDGMENT OF FORFEITURE
UNITED STATES CURRENCY;)	
APPROXIMATELY \$27,387.00 IN)	
UNITED STATES CURRENCY;)	
\$35,424.80 IN FUNDS FROM CHASE)	
ACCOUNT # 0980; \$6,300.00 IN FUNDS)	
FROM CHASE ACCOUNT #8688)	
Defendants.)	

This action was filed on March 8, 2010.¹ Notice was given and published in accordance with law. Claimant Avery Badenhop ("claimant") filed a verified claim on April 5, 2010 as to the defendants APPROXIMATELY \$750,680.00 IN UNITED STATES CURRENCY, \$35,424.80 IN FUNDS FROM CHASE ACCOUNT # 0980 and \$6,300.00 IN FUNDS FROM CHASE ACCOUNT # 8688 (hereinafter known as "defendant funds"). No other statements of

¹This civil forfeiture case has been stayed since April 12, 2010, pending the resolution of a criminal case involving claimant Avery Badenhop, entitled *United States v. Avery Badenhop*, CR No. 10-0701 MMC, filed in this Court. On or about September 21, 2011, claimant entered into a plea agreement with the government in the criminal case. As part of his plea agreement, claimant agreed to forfeit the defendant funds named in this action.

1 interest or answers have been filed with respect to defendant funds and the time for filing such
2 statements of interest and answers has expired. Plaintiff and claimant, from whom the defendant
3 funds were seized, have reached an agreement that is dispositive of the action. The parties
4 hereby request that the Court enter this Consent Judgment of Forfeiture.

5 WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

6 1. This Court has jurisdiction over the parties and the subject matter of this action.
7 2. Notice of this action has been given in accordance with law. All potential
8 claimants to the defendant funds other than claimant are deemed to have admitted the allegations
9 of the Complaint. The allegations set out in the Complaint are sufficient to establish a basis for
10 forfeiture.

11 3. The United States of America shall have judgment as to the entirety of the
12 defendant funds APPROXIMATELY \$750,680.00 IN UNITED STATES CURRENCY,
13 \$35,424.80 IN FUNDS FROM CHASE ACCOUNT # 0980, and \$6,300.00 IN FUNDS FROM
14 CHASE ACCOUNT # 8688, plus all interest earned by the government on the full amount of the
15 defendant funds, and no other person or entity shall have any right, title or interest therein. The
16 United States Marshals Service is ordered to dispose of said assets in accordance with law.

17 4. Claimant hereby releases the United States of America, its agencies, agents, and
18 officers, including employees and agents of the Drug Enforcement Administration, California
19 Highway Patrol, and Marin County Major Crimes Task Force from any and all claims, actions or
20 liabilities arising out of or related to this action, including, without limitation, any claim for
21 attorney's fees, costs or interest which may be asserted on behalf of the claimant, whether
22 pursuant to 28 U.S.C. § 2465 or otherwise.

23 5. The court finds that there was reasonable cause for the seizure of the defendant
24 funds and institution of these proceedings. This judgment shall be construed as a certificate of
25 reasonable cause pursuant to 28 U.S.C. § 2465.

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6. The Court retains jurisdiction over this case and the parties hereto to effectuate the terms of this Consent Judgment.

Dated: October 7, 2011




Approved as to form and content:

Dated: 9.22, 2011

MELINDA HAAG
United States Attorney


ARVON J. PERREET
Assistant United States Attorney
Attorneys for Plaintiff

Dated: 9.21, 2011


DOUGLAS RAPPAPORT
Attorney for Claimant
Avery Badenhop

Dated: 9.21, 2011


AVERY BADENHOP
Claimant